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Comment On: EBSA-2010-0018-0002

Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under Patient Protection and Affordable Care Act: Amendment

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General Comment

I wish to express our concern regarding the amendment to the interim final regulation (CMS-992-IFC2) which exempts some religious institutions from providing coverage for contraception as preventive care. This proposed exemption is troubling to me because it is based on a serious misreading of the freedom of religion we hold dear.

Misinterpretation is understandable, given that some groups, including especially the United States Conference of Catholic Bishops, have called what we believe should be an individual choice into what they have termed "an unprecedented attack on religious liberty." I urge you and the Department of Health and Human Services (HHS) to carefully consider the motivations of those who oppose this guideline in conjunction with your motivations, which would appear to be to enhance the public good.

The United States tax code is instructive in this matter. In the eyes of the Internal Revenue Service (IRS), certain not-for-profit organizations such as hospitals, charities and social service organizations are rightly treated as "special." A healthy civil society nurtures the agencies doing the vital work of taking care of the public good. The IRS standards for nonprofit organizations make very clear that the function that makes these entities special is the fact that they further the public good. They state, "The organization must not be organized or operated for the benefit of private interests."

The inclusion of family planning as preventive health care requires no one to use it or to endorse it. Nor does it infer that its use is or is not morally legitimate. This guideline involves no restriction on anybody's freedom, religious or otherwise. Indeed, it could be argued that it allows greater freedom.

